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September 13, 2012

**VIA ECF AND FAX**

Hon. Cathy L. Waldor, U.S.M.J.  
District of New Jersey  
King Federal Building & Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

**Re: *BanxCorp v. Bankrate, Inc.*, Civ. No. 07-3398 (ES-CLW)  
*BanxCorp v. LendingTree, LLC*, Civ. No. 10-2467 (ES-CLW)**

Dear Judge Waldor:

By order dated September 11, 2012, Judge Salas directed the parties to schedule a status conference before Your Honor to discuss the schedule for the filing of a Seventh Amended Complaint ("7AC") and related issues. The parties have discussed schedule and related issues among themselves, and may be able to reach agreements concerning any issues raised by the filing of a 7AC, which may very well eliminate the possibility of another round of motions. We expect to be in a position to report to the Court by Thursday, September 20, 2012 either that we have reached agreement on all potential scheduling issues, or to request the Court's assistance.

The defendants have proposed a scheduling order for the completion of expert discovery, and the plaintiff has objected to the schedule proposed; that issue is pending before the Court. Because we believe that the parties may reach agreement on issues raised by the filing of a 7AC as well as a schedule for expert discovery, the parties jointly request that the Court refrain from entering a scheduling order until the parties report back to the Court.

The parties will report to the Court by September 20, 2012 concerning their discussions. We are hopeful that we can resolve all potential issues that might otherwise require the Court's attention.

Respectfully submitted,



R. Scott Thompson

Cc: All Counsel (ECF)